

THE HONORABLE RONALD B. LEIGHTON

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KELLY FIRKINS, individually,

No. CV 10-5108

Plaintiff,

vs.

JOINT STATUS REPORT AND
DISCOVERY PLAN

PFIZER, INC., a foreign corporation; WYETH,
INC., a foreign corporation;

Defendants.

The undersigned counsel certify that they have consulted pursuant to FRCP 26(f) and submit the following joint certification and discovery plan reflecting the result of their conference and their position with respect to each of the items set forth in the Court's Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement as follows:

1. Nature and Complexity of Case

This case involves claims of employment discrimination in violation of statutory and common law prohibitions against discrimination in employment based sex, as well as for wrongful withholding of wages under Washington law. This is a single-plaintiff case brought

1 against a single employer/defendant. Defendant denies the claims and asserts that plaintiff is
2 not entitled to relief under any legal theory. The parties agree that it is not a complex case.

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4 2. **Results of the FRCP 26(f) Conference.** The Conference was held on April 2,
5 2010 and the results thereof are encompassed within this Report.

6 3. **Additional Parties**

7 The parties agree that there are no additional parties to be joined in this matter.

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9 4. **Alternative Dispute Resolution: Method**

10 Both parties agree to ADR, and agree that mediation is the preferred method in this
11 case.

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13 5. **Alternative Dispute Resolution: Timing**

14 Both parties agree that mediation should take place after sufficient discovery has been
15 completed to allow the parties to come to the mediation with enough information about the
16 posture of the case to maximize the likelihood of a successful mediation.

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18 6. **Proposed Discovery Plan**

19 i. The FRCP 26(f) conference took place on April 2, 2010 and the
20 parties will make their initial disclosures by the May 12, 2010
21 deadline set forth in the Court's Order.

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23 ii. The parties agree that discovery in this case does not need to be
24 conducted in phases. The parties do not propose specific
25 limitations or focus of the discovery at this stage of the
26 proceedings, though it is anticipated that the discovery will focus
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1 on the plaintiff's claims, the defendant's defenses, as well as the
2 plaintiff's damages.

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4 iii. The parties do not currently propose any changes to the Federal and
5 Local Civil Rules, nor do the parties propose any imposition of
6 other limitations on discovery.

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8 iv. Opposing counsel discussed in the FRCP 26(f) conference the
9 desire and intent to work professionally and collaboratively with
10 each other to try to minimize the expense of this litigation for their
11 respective clients.

12
13 v. Defendants plan to propose a stipulated protective order to
14 plaintiff. The parties may stipulate to change the caption to
15 exclude Wyeth, Inc. as a party.
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17 **7. Discovery Completion Date**

18 Both parties agree that the date by which discovery should be completed is 120 days
19 prior to the date set for trial (proposed as June 13, 2011, below).
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21 **8. Use of a Magistrate to Conduct Proceedings**

22 Neither party consents to the use of a full-time Magistrate Judge to conduct the
23 proceedings in this matter.
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25 **9. Bifurcation of Trial**

26 Both parties agree that this case does not require bifurcation of the trial.
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2 **10. Pretrial Statements and Order**

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4 Both parties agree that the pretrial statements and pretrial order called for by LR CR
5 16(e) should not be dispensed with, and that these will be required as set forth in the Rule.

6 **11. Other Suggestions for Shortening/Simplifying the Case**

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8 Neither party proposes any further suggestions for shortening or simplifying this case.

9 **12. Trial Date**

10 Both parties have agreed on a trial date of June 13, 2011.

11 **13. Jury Trial**

12 Plaintiff timely filed her Jury Demand in this case and it will be tried to a jury.

13 **14. Number of Trial Days Required**

14 Both parties believe that this trial should be scheduled for 6 trial days.

15 **15. Dates presenting potential complications for counsel.**

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17 Plaintiff's Counsel currently has 3 jury trials scheduled for the month of May, 2011, and
18 thus the Parties looked to June, 2011 for proposed trial dates. Plaintiff's Counsel is available
19 throughout the month of June, 2011.
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22 Defense and Plaintiff's Counsel in this matter currently have a jury trial together in a
23 separate case set in April, 2011, which, along with the above is the reason this case cannot be
24 set within the 15 month time frame desired by the Court.
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26 **16. Vancouver, WA trial.**

27 The Parties agree that this case is not suitable for trial in the Vancouver, WA Federal
28 Building.
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2 **17. Service of Defendants.**

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4 All defendants have been served.

5 **18. Trial Counsel Contact Information**

6 **a. For Plaintiff:**

7 Michael Kelly of Van Siclen, Stocks & Firkins, 721 45th St. NE, Auburn,
8 WA 98002. Tel. 253-859-8899.

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10 **b. For Defendant:**

11 Michael Griffin, Sarah Capelli of Jackson Lewis, LLP. 600 University
12 Street, Ste. 2900, Seattle, WA 98101. Tel. (206) 405-0404.

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14 **19. Scheduling Conference**

15 Both parties agree that a separate scheduling conference is unnecessary prior to entry of
16 a scheduling order in this case.

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19 DATED this 2nd day of April, 2010.

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21
22 JACKSON LEWIS, LLP

23
24
25 /s/ Michael Griffin

26 /s/ Sarah Capelli
27 Attorneys for Defendants Pfizer, Inc. and Wyeth, LLC

VAN SICLEN, STOCKS & FIRKINS

/s/ Michael J. Kelly

MICHAEL J. KELLY, WSBA #31816
Attorneys for Plaintiff